

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 25 OCT 2004

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Applicant's or agent's file reference 08241-106	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CA 03/00980	International filing date (day/month/year) 27.06.2003	Priority date (day/month/year) 05.07.2002
International Patent Classification (IPC) or both national classification and IPC G10L19/14		
Applicant VOICEAGE CORPORATION ET AL.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 10 sheets.

- This report contains indications relating to the following items:
 - ☒ Basis of the opinion
 - ☐ Priority
 - ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Lack of unity of invention
 - ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Certain documents cited
 - ☐ Certain defects in the international application
 - ☐ Certain observations on the international application

Date of submission of the demand 03.02.2004	Date of completion of this report 26.10.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Burchett, S Telephone No. +31 70 340-2374 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/CA 03/00980

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-38 as originally filed

Claims, Numbers

1-36 received on 20.07.2004 with letter of 16.07.2004

Drawings, Sheets

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-36
	No: Claims	
Inventive step (IS)	Yes: Claims	1-36
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-36
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1** Reference is made to the following document:
D1: EP-A-0 492 459 (SIP) 1 July 1992 (1992-07-01)
- 2** Document D1, which is considered to represent the most relevant state of the art, discloses (cf. p. 5, col. 8, l. 49 - p. 6, col. 10, l. 51, p. 8, col. 13, l. 20-26) a method for interoperating two different communication schemes from which the subject-matter of claim 1 differs in that replacement signal-coding parameters to replace a dropped portion of the signal-coding parameters of the first communication scheme are generated at the decoding side of the second communication system.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

- 3** The subject-matter of claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

According to the method of D1, at the decoding side of the second communication scheme, only the transmitted signal-coding parameters are used for decoding. Here, a loss in decoded speech quality is accepted and part of the inventive concept. D1 therefore provides no hint to the replacement of dropped signal-coding parameters at the decoding side of the second communication scheme. This technical feature is in the light of the prior art therefore not obvious for the skilled person, even though methods for a replacement of lost packets due to transmission errors are generally known in the field.

- 4** Independent method claims 9 and 14 and independent system claims 19, 27, and 32 are corresponding to the subject-matter of claim 1. Those claims are therefore also new (Article 33(2) PCT) and inventive (Article 33(3) PCT).
- 5** Claims 2-8 are dependent on claim 1, claims 10-13 are dependent on claim 9, claims 15-18 are dependent on claim 14, claims 20-26 are depending on claim 19, claims 28-31 are depending on claim 27, and claims 33-36 are depending on

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claim 32. The dependent claims as such also meet the requirements of the PCT with respect to novelty and inventive step.

6 Nevertheless, the application does not meet the requirements of Article 6 PCT, because claims 1-36 in their entity do not meet the requirement of conciseness:

6.1 According to Rule 6.1(a) PCT, the number of claims shall be reasonable in consideration of the nature of the invention claimed. Although claims 1, 9, and 14 have been drafted as separate, independent method claims, they relate effectively to the same subject-matter and differ from each other only with regard to the definition of the subject-matter for which protection is sought. In particular, claim 9 contains all the technical features of claim 1. The subject-matter of claim 14 differs from the scope of claim 1 only in that a "method of transmission" is disclosed instead of a "method of interoperability". However, the term "method of interoperability" is considered as comprising a method of transmission, since no interoperability in communication schemes would be applicable without transmission of data.

6.2 Independent system claims 19, 27, and 32 correspond to method claims 1, 9, and 14. Therefore, the same objections than for the latter claims apply also for claims 19, 27, and 32.